

Dawn Kennedy
April 29, 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAWN KENNEDY, ET AL.	:	CIVIL ACTION
	:	
VS.	:	
	:	
CITY OF PHILADELPHIA	:	NO: 20-0395

- - -
Philadelphia, Pennsylvania
Wednesday, April 29, 2020
- - -

ORAL DEPOSITION of DAWN KENNEDY, taken
pursuant to notice, via Video Conference held in
the home of Dawn Kennedy, 1401 Yerkes Street,
Philadelphia, Pennsylvania 19150 commencing at
10:00 a.m., before Angela M. King, RPR, Court
Reporter - Notary Public there being present.

- - -
STREHLOW & ASSOCIATES
FULL SERVICE COURT REPORTING AGENCY
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APPEARANCES

WEISBERG LAW, P.C.

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(via Video Conference)

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Representing the Plaintiff

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Representing the Defendant

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THE STENOGRAPHER: It is hereby stipulated and agreed by and between counsel for all parties present, that pursuant to 231 Pa. Code § 4002 this deposition is being conducted by video conference, that the court reporter, all counsel, and the witness are all in separate remote locations and participating via video conference(Zoom) meeting under the control of Strehlow & Associates Court Reporting Service, that the officer administering the oath to the witness need not be in the place of the deposition and the witness shall be sworn in remotely by the court reporter after confirming the witnesses identity; that this video conference will not be recorded unless previously noticed as a videotaped deposition, and that any recording without the express written consent of all parties shall be considered unauthorized, in violation of law and shall not be used for any purpose in this litigation or

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WITNESS

DAWN KENNEDY(Sworn)

(via Video Conference)

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EXAMINATION

BY: MS. ALLEN

BY: MR. BERLIN

5,89

85

EXHIBITS

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otherwise.

It is further stipulated that exhibits may be marked by the attorney presenting the exhibit to the witness, and that a copy of any exhibit presented to a witness shall be emailed to or otherwise in possession of all counsel prior to any questioning of a witness regarding the exhibit in question.

All parties shall bear their own costs in the conduct of this deposition by video conference.

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(It is agreed by and between counsel, that reading, signing, sealing, filing and certification are hereby waived and all objections, except as to form of the questions, are reserved until the time of trial.)

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DAWN KENNEDY, having been duly sworn, was examined and testified as follows:

- - -

EXAMINATION

- - -

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<p>1 BY MS. ALLEN: 2 Q. Good morning, Ms. Kennedy. 3 A. Good morning. 4 Q. My name is Tiffany Allen. I represent the 5 City of Philadelphia in this matter. 6 Can you, please, state your full name for the 7 record? 8 A. Dawn Monique Kennedy. 9 Q. And are you known by any other aliases or 10 other names? 11 A. Dawn Monique Benton and Dawn Monique Briddell. 12 That is my maiden name. 13 Q. Briddell? 14 A. Yes. That's my maiden name. 15 Q. Can you spell that for the record, please? 16 A. B -- B as in boy, r-i-d-d-e-l-l. 17 Q. And what is your current marital status? 18 A. Single. 19 Q. So as you know, I am here to ask you a series 20 of questions relevant to your case. If there is 21 any question that I ask you today that you do not 22 fully understand, please, just let me know. And I 23 can do my best to rephrase the question or clarify 24 it so that we are on the same page, okay?</p>	<p>1 break for any reason -- go to the bathroom, 2 something like that -- just let us know. The only 3 instruction with that is to answer the question 4 that was asked so we can have, again, a clear 5 record. And then you can take that break and come 6 back, and we can resume the questioning. 7 Is that fair? 8 A. That's fine, yes. 9 Q. And most importantly, although this deposition 10 is not taking place in the office or we are over 11 Zoom, you are still under oath. And that oath has 12 the same meaning and effect as if we were in a 13 courtroom. 14 A. Okay. 15 Q. Do you have -- are you having any problems 16 with your memory today that will prevent you from 17 answering accurately or understanding the 18 questions that will be asked? 19 A. No. 20 Q. One of the other most important instructions 21 is, please, do not guess. No one here wants you 22 to guess an answer. It's perfectly fine for you 23 to say "I don't remember, I don't recall." But if 24 you give me an answer, I'm going to assume that</p>
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<p>1 A. Okay. 2 Q. Okay. If you answer a question, I'm going to 3 assume that you understood the question and that 4 you are answering it accordingly. So, it's really 5 important that you tell me that you don't 6 understand something that I am asking you. 7 A. Okay. 8 Q. As you see, Ms. King is here, and she is 9 transcribing everything that is being said today. 10 So, it's really important that we both speak 11 clearly, speak loudly. I know on this video 12 conference platform, we can kind of go in and out. 13 So, there may be times where Ms. King will ask you 14 to repeat something. That's just so we can have a 15 clear record. 16 A. Okay. 17 Q. Also, because the record is written, it's 18 typed, anything like a gesture, nods of the head 19 or sounds like uh-uh or uh-huh, they will not come 20 across clearly on the record. So, I need verbal 21 answers, yes or no. 22 A. Okay. 23 Q. Not sure how long this deposition will take. 24 It shouldn't take too long. But if you need a</p>	<p>1 it's an accurate answer and not a guess. So, I 2 would rather you say you don't remember something 3 then to just say an answer and it be a guess. 4 You understand that? 5 A. Yes, I do. 6 Q. Okay. And also lastly, if you ever need to 7 change an answer or if you remember or you want to 8 clarify an answer, just let me know, oh, I am 9 going back. I want to rephrase or clarify this 10 answer. 11 And also, I ask that you do not -- that you -- 12 if you don't know an exact time frame, it's okay 13 to approximate or guess -- I mean, approximate or 14 estimate. I'm sorry. 15 A. Okay. 16 Q. Going too fast. Just let me know. Oh, I 17 approximate it was around this time. It was maybe 18 in March or maybe in April if you don't know the 19 exact date. 20 A. All right. 21 Q. Have you ever been deposed before? 22 A. Have I ever been what? 23 Q. Deposed before. 24 Have you ever had your deposition taken?</p>

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<p>1 A. No.</p> <p>2 Q. And did you prepare for today's deposition?</p> <p>3 A. Did I prepare for it?</p> <p>4 Q. Meaning, did you review any documents?</p> <p>5 A. I talked to my lawyer about it. But, yeah, I</p> <p>6 went over some dates.</p> <p>7 Can you hear me?</p> <p>8 Q. Yes, I can hear you. Your video froze, but we</p> <p>9 can hear you.</p> <p>10 A. Okay.</p> <p>11 Q. And do you have any of those documents with</p> <p>12 you now?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. If those documents are anything that</p> <p>15 were not previously produced to your attorney or</p> <p>16 produced to me, I would just ask you send a copy</p> <p>17 to your attorney so he can give them to me.</p> <p>18 A. Okay.</p> <p>19 Q. Other than discussions with your attorney, did</p> <p>20 you speak about this case with anyone else?</p> <p>21 A. Family members.</p> <p>22 Q. Do you expect any of those family members to</p> <p>23 be called as witnesses?</p> <p>24 A. Possibly my son because he was there on the</p>	<p>1 Does that sound right to you?</p> <p>2 A. Yes.</p> <p>3 Q. Is there anyone else besides your son Darrien</p> <p>4 and his wife?</p> <p>5 A. No. No one else.</p> <p>6 Q. I noticed that in your Answers to</p> <p>7 Interrogatories, you mentioned or you name</p> <p>8 Danielle Austin.</p> <p>9 Who is that?</p> <p>10 A. She was a sergeant, one of my sergeants.</p> <p>11 Q. At which district?</p> <p>12 A. Thirty-fifth. And we worked -- we worked</p> <p>13 Three Squad.</p> <p>14 Q. And what's the Three Squad?</p> <p>15 A. That's midnight-to-eight shift.</p> <p>16 Q. And does she know about the claims in this</p> <p>17 case?</p> <p>18 A. She knows -- well, she knows about the</p> <p>19 harassment.</p> <p>20 Q. Okay.</p> <p>21 A. Yeah, prior to the case.</p> <p>22 Q. And we will get to that a little bit later.</p> <p>23 So she would -- do you expect her to testify</p> <p>24 as to any of the claims specific in this case?</p>
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<p>1 initial interaction with the Police Department</p> <p>2 when it all started.</p> <p>3 Q. What is your son's name?</p> <p>4 A. Darrien. It's D-a-r-r-i-e-n Kennedy.</p> <p>5 Q. And how old is Darrien?</p> <p>6 A. Twenty-nine.</p> <p>7 Q. Anyone else?</p> <p>8 A. Lashay Kennedy. She was also at the home, as</p> <p>9 well.</p> <p>10 Q. And who is --</p> <p>11 A. That's -- she's his wife, my daughter-in-law.</p> <p>12 Q. Okay. And when you say they were present when</p> <p>13 everything happened with the Police Department,</p> <p>14 what day or date are you talking about?</p> <p>15 A. Talking about March. Not sure the exact date,</p> <p>16 but it was March. They came to the -- to my home.</p> <p>17 I was staying with my son and his wife at the</p> <p>18 time. And that's when they came to the house with</p> <p>19 the -- you know, to take my gun and everything.</p> <p>20 Q. Is that the day -- are you talking about the</p> <p>21 day that you were told about the test results?</p> <p>22 A. Yes.</p> <p>23 Q. I have in my record that's around March 26 of</p> <p>24 2019.</p>	<p>1 A. Yes.</p> <p>2 Q. What did you discuss with Danielle Austin?</p> <p>3 A. I guess, while we were at work several</p> <p>4 occasions, I did go to her about harassment that I</p> <p>5 was receiving because she was a supervisor.</p> <p>6 So if my supervisor wasn't available, I would</p> <p>7 speak to her.</p> <p>8 Q. And what was the harassment?</p> <p>9 A. I would say the -- it was always, like,</p> <p>10 conversations around me, sexual conversations. I</p> <p>11 would get details that the men wouldn't get -- one</p> <p>12 occasion, I did a car stop. I was working solo.</p> <p>13 I was working by myself, and I did a car stop.</p> <p>14 And came over the air for backup and nobody</p> <p>15 responded. And so, another supervisor had to come</p> <p>16 over and have somebody try to back me up.</p> <p>17 And that's when -- you know, that was part of</p> <p>18 the harassment, just leaving me out there by</p> <p>19 myself in. This was all after the complaint that</p> <p>20 I put in. All of this transpired after the</p> <p>21 complaint.</p> <p>22 Q. When did you put in the complaint?</p> <p>23 A. Now, I can't remember the exact date.</p> <p>24 Q. Do you remember the year?</p>

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<p>1 A. It was the end part of 2018. I would say 2 around October or November. 3 Q. And who did you submit that complaint to? 4 A. To -- it had to go through the chain of 5 command, so I submitted the complaint to my 6 Sergeant. 7 Q. Who was your Sergeant? 8 A. It was Sergeant Shaun Butts -- and that's with 9 two T's -- and my Lieutenant Dougherty. 10 Q. Do you know if this complaint ever made it to 11 Internal Affairs? 12 A. I'm not sure. I don't think it did. 13 Q. What was the basis of the complaint to 14 Sergeant Butts and Lieutenant Dougherty? 15 A. You said what was the date? 16 Q. The basis. 17 A. Oh, the basis. The basis was, I was pretty -- 18 I was the only female officer that would be at 19 roll call on several nights. And I would be in 20 the room with several male officers. I would say 21 between -- it could be anywhere between seven to 22 ten, maybe more, officers. And they would usually 23 talk sexual content around me. 24 And one particular -- I had made complaints</p>	<p>1 A. Yes. 2 Q. Okay. Did anything else happen after this 3 2018 complaint? 4 A. The night of the complaint, I was working with 5 a partner this particular night. My partner, his 6 name is Lanell Jackson. Him and I were working 7 together, and there was a shooting in our 8 District. And him and I responded. He was the 9 driver and I was the recorder. 10 So when we got to the location of the 11 incident, there was several other officers on the 12 scene. So we -- after we were there for a few 13 minutes, my partner and I decided to go to our 14 previous radio call, which was -- I think it was a 15 burglary. 16 And so when we left the scene, another 17 Sergeant came over the air and asked -- and told 18 us to return. So, we went back to the scene. And 19 he walked over to my side of the window. I'm not 20 driving. I'm the passenger. And he says to us, 21 do you not understand what I said to do? 22 And so, we talked to him about it and 23 everything. He was very angry with us for 24 leaving. So, he told us to sit there. So later</p>
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<p>1 about it prior to this particular night. But on 2 this particular night, the conversation was a 3 little -- was a lot more vulgar. So, I got tired 4 of it. 5 I left the room, waited for the supervisor to 6 come in to do the roll call. I went back in 7 behind him. And after roll call was over, that's 8 when I went to the supervisor and told him what 9 happened and, you know. And that's when it all 10 started. 11 So, that's when I put the complaint on that 12 evening. 13 Q. Who was the supervisor that night that you are 14 talking about? 15 A. All three sergeants was there. It was 16 Sergeant Butts and Sergeant Gorman. Sergeant 17 Gorman and Lieutenant Dougherty. 18 Q. How do you spell Sergeant Gorman's last name? 19 A. G-o-r-m-a-n. 20 Q. Okay. 21 A. Uh-huh. 22 Q. And correct me if I'm wrong. You were saying 23 that the harassment and the car stop happened 24 after put this complaint in?</p>	<p>1 on after everyone left the scene, we were at one 2 end of the block and he was at the other end. 3 It's a one-way street. He goes over radio, and he 4 asks for me to come to his location. 5 So, I got out the car, put my hat on and 6 walked down the street to him. And it was well 7 after midnight when this happened, so it was dark 8 and it was raining. I will never forget the 9 night. And I walked up to him with my hat on. 10 And he walked and got in my face. 11 And he said to me: Did you not understand 12 what I told you to do? And I said: Well, yes, we 13 understood what we thought you -- you know, it 14 was -- you wanted us to go to our previous job. 15 And he was standing very close to my face. 16 And he said -- after we had more conversation 17 about it, he told me to shut up. When I tried to 18 explain, he said: Do not say another word. Now 19 this is in my face. 20 He said: Do not say another word, or you're 21 going to dig a deeper hole than the one that 22 you've already started digging. 23 Q. And who was this? 24 A. This was Sergeant O'Shaughnessy. I'm not sure</p>

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<p>1 of his first name, but that's his last name. 2 Q. You said this happened the same night that you 3 put the complaint in? 4 A. Yes. 5 Q. Were there any witnesses to this interaction? 6 A. No, just him and I on the street. 7 And what happened was, after we left the 8 scene, after he left, you know, he left there and 9 I had to stand outside and hold the scene because 10 it was shell casings. So, I had to stay. My 11 partner was in the car at the other end of the 12 block. I was very upset about it. I went over 13 the air, and I asked to meet with my supervisor 14 which is -- (audio cuts out.) 15 Q. I'm sorry. You went out. 16 A. (Witness audio continues to cut in and out.) 17 Q. I'm sorry. Ms. Kennedy, you went out after 18 you said you asked about -- to talk to your 19 supervisor. 20 A. Yes. Okay. 21 So, I went over there and asked to meet with 22 my supervisor, which is -- Sergeant Shaun Butts 23 was my immediate supervisor. So, my partner and I 24 got back in the car. And I met him at the 35th</p>	<p>1 trusted that my supervisors -- because they came 2 across as though they were going to help me as far 3 as that's concerned. Because last thing you want 4 to do is go to work and feel intimidated by your 5 supervisors every single night. 6 And that's how I felt, but nothing happened. 7 Q. What about the Union? Did you ever go to 8 speak with anyone at the FOP? 9 A. Yes. I went to the FOP. And I, also, went to 10 the Employee Assistance for that instance, as 11 well. 12 Q. Did you receive any guidance or help at either 13 the Employee Assistance or through the FOP? 14 A. No help through the F -- well, no help through 15 the FOP. I just got counseled at the Employee 16 Assistance. They just talked to me. It didn't go 17 no further. 18 Q. After these incidents in 2018, did anything 19 change? Like, did it get better or worse? 20 A. It got worse. Like I said about the -- you 21 know, the car stop not getting back until a 22 supervisor came over. And what makes it -- how I 23 knew that no one wanted to respond is the fact 24 that we have MDTs in our car.</p>
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<p>1 District parking lot and got in his car very 2 upset, crying and told him what happened. 3 And he said to me that he would speak to our 4 Lieutenant about what happened. Nothing else 5 happened. I didn't hear anything else about it 6 after that. I was pretty much on my own. 7 They gave me a few minutes to get myself 8 together, and then I was back on the street. And 9 the -- what I had a problem with is the fact that 10 I had a partner who was driving. I was not the 11 drive, you know what I'm saying? I had to keep 12 the reports and all that for those eight hours. 13 So what he said to me, I felt as though he 14 should have addressed me and my partner, not just 15 myself. But when he said that I'm digging a 16 deeper hole than the one I started, don't say a 17 word, I felt intimidated. 18 So, that started it right there. And it 19 just -- they just didn't do anything about it. I 20 didn't hear another word. 21 Q. Did you ever reach out to Internal Affairs on 22 your own? 23 A. No. Because you have to go by -- you know, 24 through the chain of command. So, I felt -- I</p>	<p>1 Q. What's that? 2 A. It's when our -- it's our computer that we 3 have inside of our patrol cars where our jobs drop 4 down -- 9-1-1, you know, send our jobs to our 5 screens and we can see who is available and who is 6 not available, where everybody is. 7 So, I was looking at the screen. And I saw 8 who was available, how many officers were 9 available that could have come over to back me up. 10 But it took a supervisor to come over the air and 11 say: Who is available? 12 And that's when two officers said: We will go 13 get her. That was their exact words. 14 I can't remember the exact night, but that's 15 when, you know, it -- to me it got a little -- it 16 got a little out of control. 17 Q. Do you remember how long that took 18 approximately? Like, minutes? 19 A. It took, I guess after I came over the air, I 20 would say maybe two, three minutes. Maybe not 21 even -- maybe not even three minutes. Probably, 22 like, two minutes. 23 Q. And I don't know much about car stops or 24 calling for backup. So, is two/three minutes</p>

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<p>1 longer than normal?</p> <p>2 A. That's -- when there are officers available,</p> <p>3 yes, that's too long. Because normally when you</p> <p>4 do a car stop and you're by yourself, you come</p> <p>5 right over the air once you have the vehicle that</p> <p>6 you stopped in a safe location.</p> <p>7 You come right over the air, you give your</p> <p>8 location. And then radio will immediately ask for</p> <p>9 backup. And someone will come right over and say,</p> <p>10 we are on our way.</p> <p>11 Q. I'm sorry. Did you say you were alone?</p> <p>12 A. Yes.</p> <p>13 Q. Is there any reason you didn't have a partner</p> <p>14 that night?</p> <p>15 A. Well, our last out, which is -- I'm midnight</p> <p>16 to eight, we are -- it was a short night, I</p> <p>17 believe. But I had a specific grid that I worked</p> <p>18 most nights, so -- and that's a solo grid.</p> <p>19 Q. Where is that grid?</p> <p>20 A. That grid, I worked the -- it was 100 Linton,</p> <p>21 which covered several blocks in that area. Linton</p> <p>22 Street was a high crime block. They had a few</p> <p>23 shootings. So, they had a vehicle that was</p> <p>24 assigned to that -- to that -- what they called a</p>	<p>1 touching thing, I thought that, you know, they</p> <p>2 would have taken it further because he touched me,</p> <p>3 physically squeezed my thigh twice and touched me</p> <p>4 from behind. And I don't know -- the only thing</p> <p>5 that they did was move me from my squad and put me</p> <p>6 into the Captain's office to try to keep him away</p> <p>7 from me. Like, they didn't move him right away.</p> <p>8 So, he would still come to the Captain's</p> <p>9 office just to see me back there. And to the</p> <p>10 point where they just had to wind up moving him</p> <p>11 from the 35th District into the 39th District.</p> <p>12 That's where he went.</p> <p>13 And from there, I don't know what happened</p> <p>14 with him.</p> <p>15 Q. Did you have any other issues with him after</p> <p>16 he was moved to the 39th?</p> <p>17 A. No.</p> <p>18 Q. Outside of this lawsuit that we are here for</p> <p>19 today, have you ever sued an employer for</p> <p>20 discrimination?</p> <p>21 A. No.</p> <p>22 Q. Have you personally been involved in any other</p> <p>23 civil lawsuits as a defendant?</p> <p>24 A. No.</p>
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<p>1 grid every night for months. And that was my</p> <p>2 assignment for a lot of the nights that I worked.</p> <p>3 Q. And I'm not catching the street name. Can you</p> <p>4 spell it, please?</p> <p>5 A. Linton, L-i-n-t-o-n.</p> <p>6 Q. Okay. And what area of the city is that in?</p> <p>7 A. That is in the Olney section.</p> <p>8 Q. Thank you.</p> <p>9 A. You're welcome.</p> <p>10 Q. Outside of your EEO complaints that you were</p> <p>11 just talking about in 2018, did you ever make any</p> <p>12 other Internal Affairs complaints?</p> <p>13 A. In the past, I have, that -- you know, when I</p> <p>14 was in a different squad. I was sexually</p> <p>15 harassed. I was touched three times by a</p> <p>16 particular officer, that they had to wind up</p> <p>17 moving from our district to another district.</p> <p>18 Q. Was that the 2014 complaint?</p> <p>19 A. I believe it was 2014, yes. Against -- his</p> <p>20 last name was Powers.</p> <p>21 Q. And was that situation, was it resolved?</p> <p>22 A. I don't know what the outcome was with him.</p> <p>23 Like, I never got anything -- I never heard</p> <p>24 anything else about him or, you know. That</p>	<p>1 Q. Have you been personally involved in any</p> <p>2 criminal cases as a defendant or a witness?</p> <p>3 A. No.</p> <p>4 Q. Where were you born?</p> <p>5 A. Philadelphia.</p> <p>6 Q. Have you ever lived in any other states?</p> <p>7 A. No.</p> <p>8 Q. And what's your home address?</p> <p>9 A. 1401 Yerkes, that's Y-e-r-k-e-s, Street,</p> <p>10 Apartment B, Philadelphia, PA 19150.</p> <p>11 Q. Do you live with anyone?</p> <p>12 A. No.</p> <p>13 Q. Where did you go to high school?</p> <p>14 A. Martin Luther King.</p> <p>15 Q. And after high school, did you attend college?</p> <p>16 A. No. I went into tech school.</p> <p>17 Q. Which tech school?</p> <p>18 A. I went to Gordon Phillips Beauty School.</p> <p>19 Q. Outside of Gordon Phillips and King, do you</p> <p>20 have any other educational background?</p> <p>21 A. No.</p> <p>22 Q. What was your -- after you finished Phillips,</p> <p>23 what was your first job?</p> <p>24 A. Hairstylist -- oh, I'm sorry. My very first</p>

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<p>1 job was when I was 14. I worked for ears, nose 2 and throat doctor. 3 Q. No, you were right. I said after Phillips. 4 A. Oh, okay. I'm sorry. Yeah. I was a 5 hairstylist. 6 Q. How long were you a hairstylist? 7 A. Oh, wow. I did hair from -- oh, wow. Till, 8 like, at a shop, because I still do hair? 9 Like, I don't understand. 10 Q. Well, I was going to try -- I am trying to get 11 through your -- how do you get to the Department, 12 so. 13 A. Okay. I was a hairstylist. I had -- I was a 14 hairstylist from, I think, until 2000. 15 Q. Okay. 16 A. Because I wasn't -- I wasn't working in the 17 salon when I went into the Police Academy. 18 Q. Okay. And what year did you begin the Police 19 Academy? 20 A. 2001. October 15, 2001. 21 Q. And do you remember when you graduated from 22 the Academy? 23 A. Yes. It was 2002. 24 Q. And where were you first --</p>	<p>1 Q. Now, I understand that you resigned at some 2 point? 3 A. Yes. 4 Q. What year was that? 5 A. Oh, hmmm. I can't remember. Oh, wow. I know 6 it was after 2009. I can't remember. I don't 7 know if it was -- I can't remember. 8 Q. Okay. Why did you resign from the Department? 9 A. For pers -- for family issues. Personal 10 issues. 11 Q. Do you remember how long that resignation was 12 before you reapplied? 13 A. It was a total of six months. That was with 14 the reapplying and the whole process. 15 Q. When you returned to the Police Department, 16 did you have to go through the Academy again? 17 A. No. I just had to, you know, requalify with 18 my service weapon. 19 Q. Did you go back to the 35th District? 20 A. Yes. 21 Q. When you left the Department the first time 22 and -- hold on. I'm going through -- I'm looking 23 through the file. 24 Was that around 2011? Does that sound right?</p>
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<p>1 A. It was July of 2002. 2 Q. Okay. Where were you first assigned? 3 A. 35th District. 4 Q. And how -- do you remember who your 5 supervisors were at that time? 6 A. Oh, yes, I do. My first supervisor was 7 Sergeant -- he passed away. Sergeant -- oh my 8 gosh. I don't know why his name just slipped my 9 mind. It will come to me. 10 Q. Okay. If it comes back -- who was the 11 commanding officer at that time? 12 A. I can't remember. 13 Q. Okay. How long were you in the 35th District? 14 A. My whole career. 15 Q. Were you ever transferred to another district? 16 A. I was assigned to -- when I was injured, I was 17 assigned to the courthouse. I was court liaison 18 for six months. 19 Q. And what year was that? 20 A. That was 2018. 21 Q. So outside of your six-month restricted duty 22 as the court liaison, it's always been 35th 23 District? 24 A. Yes.</p>	<p>1 A. Yes. Yes. 2 Q. Okay. When you resigned that time, did you 3 empty out your pension funds or your pension 4 account? 5 A. I did. 6 Q. When you returned to the 35th District, where 7 were you assigned? 8 A. I went to one -- I think it was 1B when I went 9 back. 10 Q. And what's 1B? 11 A. 1B is -- we have One Squad, Two Squad, Three 12 Squad. So, One and Two Squads, we have 1A, 1B and 13 1C, 2A, 2B and 2C. 14 So those Two Squads, they were shift work. 15 So, I would be either eight to four or four to 16 twelve. It was two weeks and two weeks. 17 Q. Were you a patrol officer, like, on the street 18 or were you somewhere else? 19 A. I did patrol. And I also did -- I worked the 20 Operations Room, as well, so wherever they needed 21 me. 22 Q. When you returned to the 35th, who was your 23 supervisor? 24 A. Captain McCluskey. He was my supervisor</p>

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<p>1 before I resigned the first time, as well. So, 2 Captain McCluskey, Sergeant -- it was a long time 3 ago. I can't remember who my sergeant was back 4 then. 5 Q. Okay. Now, when you first -- 6 A. Captain -- 7 Q. I'm sorry. 8 A. Yes. Captain McCluskey was my captain, yeah. 9 Q. Okay. 10 A. Before and after I came back. 11 Q. When you first joined the Department in 2001, 12 you were in the Academy. 13 Did you receive any EEO training? 14 A. No, I didn't. 15 Q. Throughout your employment with the city, have 16 you ever received any EEO training? 17 A. No. 18 Q. Without receiving any EEO training, did you 19 generally have an understanding about your ability 20 to report discrimination or retaliation? 21 A. Yes. 22 Q. And how did you have that understanding? 23 A. We would either get -- it was in our Directive 24 List.</p>	<p>1 Q. Since your reinstatement to the Department in 2 2012, do you recall if you gave a hair test prior 3 to 2019? So in that, I guess, six/seven year 4 period? 5 A. Well, when I came back to the job 2012, I had 6 to submit hair at the -- at our city doctor, 19th 7 and Fairmount. Had to go through the whole 8 process of physical and drug test. So they -- she 9 took hair and urine. And that was the last time I 10 remember giving hair. 11 Q. Okay. So, 2012 and then again for the case we 12 are here for today in 2019? 13 A. Yes. 14 Q. Did you file an EEOC charge in this case? 15 That means, like, with the EEOC agency did you 16 file a charge? 17 A. I don't think so, no. 18 Q. Well, before you -- how were you referred to 19 your attorney? 20 A. I'm sorry? 21 Q. How were you referred to your attorney? 22 A. Another person gave me his name, gave me the 23 attorney's name. 24 Q. Who was that?</p>
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<p>1 Q. Now, we talked early on about the 2 discrimination and harassment that you were 3 reporting back in 2018 and also the 2014 case. 4 Is there any other case that you reported for 5 discrimination or harassment outside of the issues 6 for this case regarding that drug test? 7 A. No. 8 Q. Okay. During your entire employment with the 9 Police Department, how many times would you say 10 you've been drug tested? 11 A. At least once every year, random. 12 Q. And with each test, did you always have to 13 submit to a hair test? 14 A. Not every test, no. 15 Q. How many hair tests have you given over your 16 employment with the city? 17 A. I would estimate about less than -- less than 18 ten. 19 Q. So outside of the hair test that we are here 20 for today in 2019, do you remember giving a hair 21 test before? 22 A. No. I don't recall giving hair for the test 23 prior -- before the test that -- the last time in 24 2019. I had not given hair in a while in years.</p>	<p>1 A. Danielle Austin. 2 Q. Does Danielle Austin also know about the hair 3 drug test? 4 A. Not mine. 5 Q. Okay. Who was your conversation with Danielle 6 for her to refer you to your attorney's office? 7 A. Well, I was searching for an attorney. And I 8 reached out to her after I, you know, looked and 9 tried to find an attorney because I knew she had 10 an attorney. And I just called her for -- to ask 11 her who was her attorney. That's how I got in 12 contact, you know, with my attorney. 13 Q. Okay. Was I correct that you didn't give her 14 any details about why? 15 A. No. No. I just asked her who her attorney 16 was. Because I knew she was -- they -- I thought 17 she had an attorney. That's why I asked her. 18 Q. Okay. 19 A. Yeah. Because I don't know too many 20 attorneys, so. 21 Q. The drug test that is the basis for this 22 complaint that was on March 20 of 2019, do you 23 believe that was a random test? 24 A. Yes.</p>

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<p>1 Q. And how were you notified that you were 2 selected? 3 A. I wasn't. I came -- I arrived at work that 4 night. I was working in the Operations Room that 5 evening. I walked in. I saw Lieutenant Kay. And 6 I jokingly said to him, oh, you here for me 7 because I had just recently had one a few months 8 prior. 9 So, he told me yes. And that's how I found 10 out. 11 Q. The test that you had a few months prior, was 12 that urine? 13 A. It was urine, yes. 14 Q. Was it anything else? 15 A. I don't believe they took hair. I can't 16 recall. 17 Q. So when you walked into -- when you saw 18 Lieutenant Kay, can you just go through the 19 process of how you provide your samples? 20 A. He takes me to a room, gives me paperwork and 21 gives me, you know, the cup. Has me go down -- 22 well, go to the ladies room, submit my urine. I 23 seal it and give it back to him. I signed the 24 papers. And he cut hair -- cut my hair.</p>	<p>1 it, just to double-check the name? 2 Q. Okay. 3 A. Okay. 4 (Witness goes to retrieve item.) 5 Yes. It's called Wild Growth. 6 Q. Can you put it to the camera? 7 A. (Witness does as requested.) 8 Q. A little closer. I'm sorry. 9 A. (Witness does as requested.) 10 Q. Okay. 11 A. Okay? 12 Q. Yes. 13 MR. BERLIN: And also, Tiffany, 14 just to jump in, I have pictures of this 15 stuff, so I can send it to you. 16 MS. ALLEN: Yes. Thank you. 17 BY MS. ALLEN: 18 Q. Were you -- can you hear me, Ms. Kennedy? 19 A. Yes, I can hear you. 20 Q. You froze a bit, so I was just making sure. 21 A. Okay. 22 Q. Were you using any other hair products at that 23 time? 24 A. No. That was the newest product that I had</p>
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<p>1 Should I explain to you about the hair, about 2 the whole evening, what happened with the test? 3 Q. Well, yeah. I'm going to go into that, yes. 4 A. Okay. Okay. 5 Q. No problem. So when you say that he cut your 6 hair, do you remember what part of the body the 7 sample came from? 8 A. Yes. He took it from the back of my neck, my 9 neck area, the very bottom. But prior to him 10 taking that hair, because I had my hair in crochet 11 braids. And I told him that I had just saturated 12 the back of my hair with a hair growth oil that 13 was using. And I offered to take out some of my 14 crochets because I know they normally take it from 15 the center of the head. 16 So, I offered to take some of my crochets out 17 to give him access to my hair. And he told me 18 that it wasn't necessary. 19 Q. What kind of oil were you using? 20 A. It's called Wild Growth. 21 Q. I'm sorry. Can you say that again? 22 A. Wild Growth. 23 Q. Wild Growth. Okay. 24 A. Yeah. Can I just get the oil, I still have</p>	<p>1 used that particular night. 2 Q. To your knowledge, does that product have any, 3 like, CBD or hemp oils in it? 4 A. I believe it has hemp oil. 5 Q. And prior to the night of your test, how long 6 were you using that product? 7 A. Probably around maybe a week and a half to 8 two. 9 Q. Okay. So after he took the sample from the 10 nape of your neck, do you recall the length of the 11 hair that was taken? 12 A. It was short. It was very short. 13 Q. So after you gave your samples, what happens 14 next? 15 A. I signed the papers. He put in the box, my 16 urine. And that was it. 17 Q. Okay. I, actually, have -- actually, have the 18 papers that you signed. But I'm not -- are you 19 able to access the Chat or any documents through 20 your phone? 21 A. I don't know. 22 Q. Okay. 23 MS. ALLEN: Brian, I am going to 24 send over -- not really sure how to do</p>

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Page 38	<p>1 exhibits through Zoom. But I am going to</p> <p>2 send over what I was going to mark as an</p> <p>3 exhibit.</p> <p>4 MR. BERLIN: Yeah. You can just</p> <p>5 email everything. It's fine.</p> <p>6 MS. ALLEN: All right. I will</p> <p>7 email it over.</p> <p>8 - - -</p> <p>9 (At this time, the court reporter</p> <p>10 explains to Counsel how to ShareScreen the</p> <p>11 Exhibits so all can see via Zoom.)</p> <p>12 - - -</p> <p>13 (Exhibit shared on screen.)</p> <p>14 MS. ALLEN: Okay.</p> <p>15 BY MR. BERLIN:</p> <p>16 Q. Ms. Kennedy, can you see this document?</p> <p>17 A. Okay, yes.</p> <p>18 Q. Okay. Is this the paperwork -- I'm going to</p> <p>19 scroll through it slowly and ask if this is the</p> <p>20 paperwork you recall filling out?</p> <p>21 (Begins scrolling through the document.)</p> <p>22 A. Yes.</p> <p>23 Q. Okay. This is your signature?</p> <p>24 A. Yes, it is.</p>	Page 40	<p>1 A. Right.</p> <p>2 Q. Okay. Other than telling that Sergeant about</p> <p>3 recently using a hair oil, did you have any other</p> <p>4 concerns with the method used to take your hair?</p> <p>5 A. Well, that I never had it taken from the back</p> <p>6 of my neck. I know that normally it's taken from</p> <p>7 the center of your head. But he took it from the</p> <p>8 back of my neck, so I didn't -- that's why I</p> <p>9 offered to give him a sample from the center of my</p> <p>10 head.</p> <p>11 Q. Did you not use the oil in the center of your</p> <p>12 head?</p> <p>13 A. No, just around the perimeter of my head.</p> <p>14 Q. After you gave the sample on March 20, when</p> <p>15 was the next time you were contacted about this</p> <p>16 drug test?</p> <p>17 A. The very next week. It was on a Tuesday, I</p> <p>18 believe.</p> <p>19 Q. Was that the day that you were informed about</p> <p>20 the positive test results?</p> <p>21 A. Yes.</p> <p>22 Q. Is that the day that you were speaking about</p> <p>23 earlier when your son and his wife was present?</p> <p>24 A. Yes.</p>
Page 39	<p>1 Q. Okay.</p> <p>2 MS. ALLEN: Angela and Brian[sic],</p> <p>3 I will have these Prescreening Documents</p> <p>4 marked as Exhibit 1 or -- yeah, one.</p> <p>5 (At this time, Exhibit 1 was marked</p> <p>6 for identification.)</p> <p>7 - - -</p> <p>8 (At this time, a discussion was</p> <p>9 held off the record.)</p> <p>10 - - -</p> <p>11 BY MS. ALLEN:</p> <p>12 Q. Okay. Other than telling -- you said it was</p> <p>13 Lieutenant Kay who took the sample, or was it</p> <p>14 someone else?</p> <p>15 A. No. Lieutenant Kay.</p> <p>16 Q. Other than --</p> <p>17 A. I think it was --</p> <p>18 Q. I'm sorry. What was that?</p> <p>19 A. You know, it was Sergeant -- I can't remember</p> <p>20 his name, though. But he usually does -- he</p> <p>21 usually comes to the District to do the test. I</p> <p>22 can't remember his name. It was Sergeant -- I</p> <p>23 don't remember his name. Yeah.</p> <p>24 Q. It was a Sergeant and not Lieutenant Kay?</p>	Page 41	<p>1 Q. Okay. And who informed you of those results?</p> <p>2 A. They -- Lieutenant Kay called me, and asked me</p> <p>3 was I home. And I told him, yes. That was,</p> <p>4 actually, my first night back to work actually --</p> <p>5 yeah. It was my first night. I had called out</p> <p>6 sick the day before, and I went in the next night.</p> <p>7 So, it was my first night back. And he told</p> <p>8 me that he was going to come to my home and talk</p> <p>9 to me about my drug test.</p> <p>10 Q. When you say that the called you, where did he</p> <p>11 call you? Was it the District or your cell phone?</p> <p>12 A. He called my cell phone.</p> <p>13 Q. Where were you living at the time?</p> <p>14 A. With my son and his wife, 3861 Frankford</p> <p>15 Avenue.</p> <p>16 Q. You said 3861?</p> <p>17 A. Yes, Frankford Avenue.</p> <p>18 Q. Do you recall the time that Lieutenant Kay</p> <p>19 came to your house?</p> <p>20 A. I would say approximately around 7:00 p.m.,</p> <p>21 8:00.</p> <p>22 Q. Was anyone with him?</p> <p>23 A. Yes. Sergeant, I think her last name was,</p> <p>24 Williams. I believe she works down at 19th and</p>

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<p>1 Fairmount. 2 Q. Okay. And what was your conversation with 3 Lieutenant Kay that night? 4 A. Well, when he came to the house, my son -- I 5 had my son come in the kitchen -- we went into his 6 kitchen. I had my son come with me. So, the four 7 of us went into the kitchen, closed the kitchen 8 door. 9 And that's when he told me. He said, we are 10 here because you failed your drug test. And I 11 said -- my exact words to him, I said, who? Dawn 12 Kennedy? And he said, yes, your urine sample came 13 back negative, but your hair tested positive for 14 marijuana. 15 Q. And what were your thoughts at that time? 16 A. I couldn't believe it. I couldn't believe it 17 because I have never failed a drug test ever in my 18 life. I have never smoked marijuana a day in my 19 life. I can't even stand the smell of it. 20 And so, I was in disbelief. 21 Q. Do you know or do you remember if Sergeant 22 Williams said anything? 23 A. No, she didn't say anything at first. 24 Q. Did she say something eventually?</p>	<p>1 brought it to him and signed my papers. 2 He told me to show up at 19th and Fairmount. 3 That was a choice if I wanted to do a 4 reconfirmation test. They take a \$80 money order. 5 And so, that was -- oh. And he, also, told me 6 that I was going to have to show up to Internal 7 Affairs on that following Tuesday. 8 So, I then decided to go and do exactly what, 9 you know, he said as far as a reconfirmation test 10 because I knew that this couldn't be happening. 11 Like, I knew that this was a false test because 12 I've never smoked marijuana in my life. 13 Q. Prior to the test on March 20, 2019, do you 14 know if you could have ingested any food or candy 15 or anything that may have been, like, laced or 16 prepared with marijuana? 17 A. No. 18 Q. Do you recall in the months prior to this 19 test, being present with other people using 20 marijuana? 21 A. No. 22 Q. Do you recall any time in the maybe, like, 23 three months prior being -- coming into contact 24 with a suspect or anyone that was smoking</p>
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<p>1 A. She did. 2 Q. What did she say? 3 A. Well, what happens after the conversation 4 with -- after Lieutenant Kay explained to me 5 everything that I needed to do as far as, like, 6 doing a reconfirmation test and not to go to work 7 that night, have to take my weapon. 8 And after we went through all of that, my son 9 asked -- just not directly to her, but he asked 10 the question. His question was, is it possible 11 that my mom could have walked pass somebody that 12 was smoking marijuana and it got in her hair? And 13 the Sergeant said to him -- well, said -- she 14 answered the question. She said, I have never 15 seen that happen. 16 Q. Okay. After this conversation with Lieutenant 17 Kay, your son and Sergeant Williams, what did they 18 do next? 19 A. He asked me did I have my service weapon in 20 the house, which I did because I was going to work 21 that night. And he said he needed to take it. 22 So, I went in and got my weapon. Made it safe 23 because my grand -- I have little grandchildren, 24 so I made a safe in my bedroom. And then, I</p>	<p>1 marijuana? 2 A. Oh, well, yes. Practically every night when I 3 came to work, you know, that was -- you know, 4 that's part of our job. We arrest people that are 5 either selling it or smoking it. 6 And so every night, I was pretty much exposed 7 to marijuana regardless of whether I was working 8 in the Operations Room because that's where -- 9 when the officers would arrest someone, they would 10 bring them in. Marijuana would -- they would 11 leave it out on the counter while they were 12 filling out paperwork. 13 So, it was always -- it was always present. 14 Like our district was the district where the 14th 15 District and the 39th District would bring their 16 prisoners. So, we were always a high traffic 17 district. So we housed -- even the 5th District, 18 we housed all three of the other districts, their 19 prisoners and juveniles and all of that. 20 So, I was constantly around marijuana at work. 21 Q. Do you recall touching the marijuana that may 22 have been present at work? 23 A. I have had -- I have had a few arrests where 24 I, you know, had to touch marijuana. Not actually</p>

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<p>1 touch the -- it was always in a bag, but I have</p> <p>2 had to touch it or an officer would either ask me</p> <p>3 to watch their prisoner, and the marijuana would</p> <p>4 just be right there.</p> <p>5 Q. When you -- I don't know what you mean by</p> <p>6 "right there."</p> <p>7 A. When I say "right there," I mean, like, just</p> <p>8 laying out on the counter or, you know -- yeah, on</p> <p>9 the counter.</p> <p>10 Q. And would you touch it if it was on the</p> <p>11 counter?</p> <p>12 A. No.</p> <p>13 Q. You mentioned that you were told to go to</p> <p>14 both -- you said Employee Medical Services?</p> <p>15 A. Yes.</p> <p>16 Q. And you had an appointment or would it be an</p> <p>17 interview with Internal Affairs?</p> <p>18 A. Excuse me.</p> <p>19 Q. Was one scheduled?</p> <p>20 A. I'm sorry?</p> <p>21 Q. Was an Internal Affairs interview scheduled?</p> <p>22 A. For the harassment or anything? No. I</p> <p>23 never --</p> <p>24 Q. No. For the -- I'm sorry, for this. I</p>	<p>1 A. Yes, I am.</p> <p>2 Q. Okay.</p> <p>3 (Continues scrolling through document.)</p> <p>4 MS. ALLEN: David, are you seeing</p> <p>5 this?</p> <p>6 MR. BERLIN: Yup, I see it.</p> <p>7 MS. ALLEN: Okay.</p> <p>8 BY MS. ALLEN:</p> <p>9 Q. This is a section about the reconfirmation</p> <p>10 testing?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall this?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. There is more. I don't know.</p> <p>15 Do you recall if Lieutenant Kay gave you the</p> <p>16 entire directive, or only a certain part?</p> <p>17 A. Just only -- it was just the -- I believe it</p> <p>18 was just the reconfirmation section.</p> <p>19 Q. Okay.</p> <p>20 A. The beginning, I think, up to the -- yeah, the</p> <p>21 policy and up to the reconfirmation.</p> <p>22 Q. Okay. And what instructions did he give you</p> <p>23 regarding your rights to a retest?</p> <p>24 A. Okay. So the night that he came to my home,</p>
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<p>1 thought you said something about a scheduling and</p> <p>2 interview with Internal Affairs?</p> <p>3 A. No. I went to Employee Assistance.</p> <p>4 Q. Were you given any directives regarding hair</p> <p>5 testing or the reconfirmation test?</p> <p>6 A. Yes. Lieutenant Kay gave me a copy of that</p> <p>7 particular directive.</p> <p>8 Q. I am going to share my screen again.</p> <p>9 (Exhibit shared on screen.)</p> <p>10 BY MS. ALLEN:</p> <p>11 Q. Can you see the document?</p> <p>12 A. Yes.</p> <p>13 Q. Is this the Directive 6.5 that you were</p> <p>14 referring to?</p> <p>15 A. It's kind of small on my screen. I know it's</p> <p>16 there.</p> <p>17 Q. Is --</p> <p>18 A. Okay. I figured it out. I was able to zoom</p> <p>19 in.</p> <p>20 Q. Okay. It's a pretty long document. I will</p> <p>21 just kind of scroll.</p> <p>22 A. Okay.</p> <p>23 Q. (Begins scrolling.)</p> <p>24 Are you still following me?</p>	<p>1 he told me that I could go the next day to 19th</p> <p>2 and Fairmount to do a reconfirmation test, and</p> <p>3 bring a \$80 money order.</p> <p>4 MS. ALLEN: And I'm sorry, Angela</p> <p>5 and David, I will have that directive</p> <p>6 marked as Exhibit 2.</p> <p>7 (At this time, Exhibit 2 was marked</p> <p>8 for identification.)</p> <p>9 BY MS. ALLEN:</p> <p>10 Q. Did you have the money order and do the</p> <p>11 reconfirmation test?</p> <p>12 A. Okay. So yes, I went and got the money order.</p> <p>13 I went to 19th and Fairmount. I was there before</p> <p>14 they opened. I got there. And the doctor that I</p> <p>15 was seeing was Dr. Hayes. He's the doctor there.</p> <p>16 I sat and waited for about maybe two, two</p> <p>17 hours before he arrived. I got there. When he</p> <p>18 got there, he had myself -- and the Sergeant that</p> <p>19 was at my home the night before works there. I</p> <p>20 believe her last name is Williams. She --</p> <p>21 Q. You're right. It's Williams.</p> <p>22 A. Okay. Okay. So it was the doctor, myself and</p> <p>23 Sergeant Williams, we went into his office. Sat</p> <p>24 down. And he said, well, you know why you are</p>

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<p>1 here. And I said, yes. He said, they are saying 2 that you failed your drug test. I said, I know 3 that's what they are saying. 4 So he said, well, you can do a reconfirmation 5 test. And he said there is -- it's showing that 6 the marijuana -- no. He's saying that, your drug 7 test showed negative in your urine, but positive 8 in your hair. So I told him, I explained to him, 9 I said, I don't know how that's possible because 10 I've never smoked marijuana. 11 I said, but I did bring all my medications. 12 And I did bring the hair oil that I just recently 13 started using in my hair. He said to me -- I 14 showed him the medication. I showed him the oil. 15 And he -- he pretty much -- he said that -- that 16 that wouldn't effect anything. 17 So at this point, I don't really know what to 18 do because I believe this is on -- yeah, it was 19 Thursday. So, I decided to go ahead and take the 20 other test. But Sergeant Williams who was sitting 21 to my left said to me that even if I take this 22 test and it comes back negative, which I believe 23 that it would have, that it would not matter. It 24 would not dismiss the first test, and that I would</p>	<p>1 Q. Okay. 2 A. I didn't get an answer. I left a message. 3 Then I called my Sergeant to let him know what was 4 happening. But by that time, he had already known 5 what had happened because I -- 6 Q. Which Sergeant? 7 A. Huh? 8 Q. Which Sergeant? 9 A. It was Sergeant Jason Reid. He was Sergeant 10 at the time. 11 Q. How does he spell Reid? 12 A. R-e-i-d. 13 Q. Okay. So, you called Sergeant Reid? 14 A. Yes. After I called the FOP, because I waited 15 for the FOP to call me back because I left a 16 message. But he already knew what happened, 17 because I wasn't -- they had to inform my Captain 18 and my Sergeant the night before because I didn't 19 show up to work. They took me off the street. 20 So, I told -- I talked to him a little bit, 21 then I waited. I called the FOP back. Someone 22 finally answered, and I told them that I needed 23 representation. I needed something to be done 24 because it was not accurate. The test was not</p>
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<p>1 still have to show up to Internal Affairs that 2 Tuesday to sign my 30 days with intent. 3 So I said, then why would I still take the 4 test if I'm going to get fired anyway? You are 5 saying to me that it's not going to dismiss the 6 first test, so what's the purpose of the second 7 test. And so she was like, well, you can call the 8 FOP. And you can sit here and you can figure it 9 out and take your time and make a choice because I 10 only had from Thursday to Tuesday to make a 11 decision as to what I was going to do because I'm 12 about to lose my job over something that I know is 13 not -- is not true. 14 So, I called -- I left his -- well, once she 15 left his office, he said to me -- the doctor, 16 Dr. Hayes, he looked at me and said, this is BS. 17 He said, I am going to tell you the amount of 18 marijuana that they are saying is in your hair was 19 like having twelve zeros .2 in your hair. So, he 20 didn't even believe that it was true. 21 So anyway, so I waited -- excuse me. I left 22 his office. I called the -- immediately called my 23 Sergeant. I'm sorry, I called the FOP first. He 24 was my -- they were my first call.</p>	<p>1 accurate. 2 So, I was promised that someone would contact 3 me back. And no one did. Even till this day, no 4 one has yet to call me to back me up from the 5 Union. 6 So, I decided not to take the test there that 7 day. And she said because I had -- I believe she 8 said 14 days that I could take the test, the 9 reconfirmation test. It's a certain amount of 10 days you can go ahead and take it. But like I 11 said, I was -- they wanted me to report to 12 Internal Affairs that Tuesday to sign my paperwork 13 for 30 days with intent. So, I really didn't have 14 the time to think about it. Like, I had to figure 15 out what I was going to do as far as my life with 16 this job. 17 So, I went home. And I just -- honestly, I 18 just prayed -- prayed about it. And I just 19 decided that next morning, which was Friday, 20 instead of being fired, I decided that I was going 21 to go and take another test, an independent test 22 through my doctor. 23 And so, I went and got a referral. I went to 24 Lab Corp. And I made sure that marijuana was</p>

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<p>1 listed as one of the tests that had to be taken, 2 so my doctor, they gave me a referral. I went to 3 Lab Corp. And the technician there took a nice 4 chunk of my hair from the center. And I got the 5 results back that next week that it was negative 6 in my hair and in my urine. 7 Q. Okay. I am going to back up just a bit. So 8 when you -- 9 A. Okay. 10 Q. When you called the FOP and they answered, 11 who -- do you know who you spoke with? 12 A. No. 13 Q. Did you ever try calling the FOP since then? 14 A. I called -- I called them six to seven times. 15 Q. And of those six to seven times, how many 16 times did you actually speak with someone? 17 A. Just the one. One time when they told me that 18 someone was going to call me back. And then, I 19 called after that about six, seven more times. 20 Q. Is this all in the same day? 21 A. At that particular day, when I was at 19th and 22 Fairmount, I called them approximately four times 23 that particular day because I was desperate. 24 Q. You said that someone told you, you had 14</p>	<p>1 when he came to my house. So, I don't know if 2 her -- well, she does the drug testing at 19th and 3 Fairmount. So they are all, I guess, in the same 4 unit. She just works at 19th and Fairmount where 5 officers have to go. 6 Q. Okay. What's the name of your -- you said you 7 went to your primary doctor for Lab Corp? 8 A. Yes. 9 Q. What's your primary doctor's name? 10 A. His name is Dr. Gorti, G-o-r-t-i. He's no 11 longer at that particular practice. 12 Q. Which practice is that? 13 A. Juniata Family Practice. 14 Q. Okay. And when you got the referrals from Lab 15 Corp, what did you -- what did you tell them? 16 A. I just told them that I was there to have a 17 drug screening. That was it. I didn't tell them 18 anything about my job or the situation that I was 19 going through. I just wanted to have a drug test. 20 Q. Was that in person, or did you call the 21 practice? 22 A. I called my -- I called my doctor first thing 23 that morning and told him that I needed a referral 24 to have a drug test. I did tell him for my job,</p>
Page 55	Page 57
<p>1 days or so to do a reconfirmation test? 2 A. I believe it's 14 days. But yes, Sergeant 3 Williams told me that I could take it, you know, I 4 could wait and do it again. But like I said, I 5 only had till Tuesday before I was going to sign 6 my 30 days with intent. 7 Q. Did you ever reach out to Lieutenant Kay or 8 anyone about the process when -- or the waiting 9 process or period when you opt to take the 10 reconfirmation test? 11 A. No. Because Sergeant Williams pretty much 12 explained it to me. She explained it to me. But 13 she -- what threw me off with her was the fact 14 that she told me it wouldn't make a difference if 15 it came back negative. I was still going to get 16 fired. 17 So I said, we don't -- we don't -- I don't get 18 a further investigation or, you know, be detailed 19 to a unit while we do further investigation? 20 Like I don't, you know -- I didn't understand. 21 Q. Do you know if Sergeant Williams works in 22 Internal Affairs? 23 A. Well, no. I don't know if she actually works 24 in it -- well, she was there with Lieutenant Kay</p>	<p>1 but I didn't get into details as to why. 2 Q. And do you remember which Lab Corp location 3 you went to? 4 A. It was in Bensalem. I called two Philadelphia 5 branches, and they didn't do the hair tests. So, 6 I found one in Bensalem that did both. 7 Q. Okay. And now, you said the technician took 8 hair from which part? 9 A. She took a chunk of my hair from the center of 10 my hair. So, I didn't have any crochets. I just 11 had my hair out. She took a big chunk of my hair 12 from the center of my head right down to my scalp. 13 Q. Did that leave you with any type of bald spot? 14 A. Yes. 15 Q. Were you able to cover it with your hair? 16 A. Yes. 17 Q. And I notice that your hair is dyed today. 18 Was your hair dyed back then? 19 A. When I had the initial drug test, no, my hair 20 wasn't dyed. Because when I wear my crochets, I 21 don't dye my hair. It's only when I take them 22 out. Like, I just took my crochets out Sunday, so 23 then I dyed my hair because, you know. 24 Q. So --</p>

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<p>1 A. Wearing it in a bun. 2 Q. The initial test on March 20, you had your 3 crochet braids in. You said your hair was not 4 dyed? 5 A. Right. My hair that he took was black or, 6 like, a dark brown. Yeah. 7 Q. The second test that you -- when you went to 8 Lab Corp, was your hair dyed? 9 A. No. Just my very ends. My roots were dark. 10 Q. What color were your ends? 11 A. Blonde. 12 Q. Do you recall, like, the length of hair that 13 was taken as a sample from Lab Corp? 14 A. Wow. It was -- my hair was pretty long. It 15 wasn't short hair. It was long. It was lengthy. 16 I would say -- I don't know in inches, but it was 17 pretty long. 18 Q. Would you say it was longer or more of a 19 sample or less of a sample than taken by the 20 Department? 21 A. It was way more than the sample that the 22 Department took. Like, my hair is actually 23 shoulder length. So, it was about that long. It 24 was that long.</p>	<p>1 (At this time, Exhibit 3 was marked 2 for identification.) 3 MS. ALLEN: Here is the Directive 4 6.5 loading and the results one. 5 BY MS. ALLEN: 6 Q. There are a few more documents, Ms. Kennedy. 7 Bear with me, please. 8 A. Okay. 9 Q. Technology. 10 (Exhibit shared on screen.) 11 BY MS. ALLEN: 12 Q. Can you see this document here? 13 A. Yes. 14 Q. Is this your signature at the bottom? 15 A. Yes. 16 Q. Was this another document -- this is one 17 that's ordering you to go to EMS the following 18 day? 19 A. Yes. 20 Q. Was it something else that you went over with 21 Lieutenant Kay? 22 A. Yes. 23 Q. And the date at the top, can you see that as 24 March 26 --</p>
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<p>1 Q. Okay. Hold on. 2 (Documents shared on screen.) 3 BY MS. ALLEN: 4 Q. I am just showing you these documents just for 5 identification. 6 Can you see this document here? 7 A. Yes. 8 Q. Is this your signature at the bottom? 9 A. Yes. 10 Q. Do you recall -- do you remember signing this 11 document regarding your positive hair test? 12 A. Yes. 13 Q. And the date is March 26, 2019. Is that right 14 to you? 15 A. Yes. 16 Q. And this talks about the directive that was 17 provided? 18 A. Yes. 19 Q. And the directive, that gives you ten days for 20 a retest? 21 A. Okay. Yes, ten. Yes. 22 Q. All right. 23 MS. ALLEN: I'll have that marked 24 as Exhibit 3.</p>	<p>1 A. Yes. 2 Q. -- 2019? Okay. 3 And this is all the same day that Lieutenant 4 Kay -- well, is this all the same day that 5 Lieutenant Kay was at your house? 6 A. Yes. 7 Q. Okay. And I have one last one. 8 A. Okay. 9 (Exhibit shared on screen.) 10 BY MS. ALLEN: 11 Q. Do you -- is this your signature? 12 A. Yes. 13 Q. I notice the date on this one is March 27. 14 Can you see that? 15 A. Yes. 16 Q. Do you recall who scheduled this interview for 17 Internal Affairs? 18 A. No, I don't recall. 19 Q. I see Sergeant Williams' signature at the 20 bottom, but I am just not sure if this all 21 happened the day that they were at your house or 22 the following day? 23 A. This -- she gave me this the day that I went 24 to 19th and Fairmount.</p>

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<p>1 Q. Okay. So, this is Tuesday, April 2, 2019 was 2 your appointment with Internal Affairs? 3 A. Yes. 4 Q. Did she explain to you in any more detail than 5 what you just gave me about what the interview 6 would have entailed? 7 A. No, she didn't. Just said it was -- I had go 8 to go -- I had to report there that Tuesday to 9 sign my 30 days of intent. And that my second 10 test would not matter. 11 Q. Okay. 12 MS. ALLEN: Angela, the report to 13 EMS will be Exhibit 4 and then the IA 14 Exhibit will be 5. I uploaded them all to 15 Chat. 16 David, are you okay with this? 17 Were you able to see? 18 MR. BERLIN: Yeah. I'm able to get 19 everything. 20 MS. ALLEN: Just making sure. 21 (At this time, Exhibit 4 and 22 Exhibit 5 were marked for identification.) 23 BY MS. ALLEN: 24 Q. All right. So after you were with -- after</p>	<p>1 of being fired, I decided to go down and just 2 resign. 3 Q. Before you resigned, did you speak with anyone 4 about your pension and whether or not you would be 5 able to keep it if you had not resigned? 6 A. If I had -- I called -- no. I didn't speak to 7 anyone about as far as, like, my pension was 8 concerned. I just knew that if I had gotten 9 fired, I would have lost my pension. 10 Q. I know I asked this already, but am I right 11 that up until this point, you still have not 12 spoken to anyone at the FOP, like, up until this 13 point in time when you resigned? 14 A. No. No one had returned my call. 15 Q. Once you received the Lab Corp results, did 16 you ever contact the Police Department? 17 A. No. 18 Q. Why not? 19 A. Because I had already -- I had already left 20 the Department at the time. I was able to retire 21 that same -- I was able to leave the job that same 22 day. When I called, you know, while I was on my 23 way to Lab Corp, I called personnel and told them 24 what I wanted to do. And they told me I could do</p>
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<p>1 you went to 19th and Fairmount and met with 2 Dr. Hayes, when did you -- I'm sorry, I just want 3 to be clear. 4 When did you call your doctor? 5 A. I called my doctor that Friday morning because 6 the -- okay. So, we talking Wednesday, Thursday, 7 Friday. So that Friday morning, I called my 8 doctor as soon as they opened and told them that I 9 needed a referral. 10 Q. And did you go immediately to Lab Corp after 11 that? 12 A. Yes. I drove straight from there and went 13 straight to Lab Corp. 14 Q. After you submitted your sample to Lab Corp, 15 what did you do next? 16 A. I went to 8th and Race to personnel and 17 retired -- resigned. 18 Q. Why did you choose to resign before getting 19 the Lab Corp results? 20 A. Because I -- I didn't want to be fired and 21 lose everything that I worked for. I would have 22 lost my pension and everything else that came with 23 it. So, I wasn't willing to do that because I 24 knew that the test was not accurate. So instead</p>	<p>1 it that day. So, that's what I did. 2 Q. When you learned that your results were 3 negative, did you reach back out to the FOP to try 4 to see what your options were? 5 A. No, because I didn't think I had any options 6 after that as far as, like, getting my job back. 7 And they had not reached out to me. You know, I 8 had been leaving a few messages and trying to get 9 them to at least call me back. And no one did. 10 So, I didn't think they were going to back me 11 anyway, so. 12 Q. Are you aware that as a member of the Union 13 that you have arbitration rights? 14 A. That's the reason why I called them to find 15 out exactly what all my rights would have been. 16 But like I said, no one called me. So, I never 17 even got that far. 18 Q. So outside of this lawsuit, did you ever 19 inform anyone at the Department that your second 20 test was negative? 21 A. No, I didn't. 22 Q. Do you personally know of any other police 23 officers who tested positive for marijuana? 24 A. Not that I can recall. No one actually, you</p>

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<p>1 know, like, personally told me that they tested 2 negative -- I mean, positive. 3 Q. And I wanted to clarify that question, so I 4 will ask it again. 5 Do you personally know of anyone whose hair 6 test was positive for marijuana? 7 A. No. 8 Q. And I know you alluded to this earlier, but I 9 am just going to ask. 10 Do you smoke? 11 A. No, I don't. 12 Q. Not even -- no cigarettes? Nothing? 13 A. No cigarettes, nothing. Never. 14 Q. Do you drink? 15 A. Occasionally. 16 Q. Now, we talked about the hair oil that you 17 were using. And you say you were using that hair 18 oil for how long prior to that test on March 20? 19 A. It had to be a week and a half to two. 20 Q. Before using that hair oil, were you using any 21 other products that you think may have had CBD or 22 hemp? 23 A. No. Oh, I'm sorry. I use a cactus oil. I 24 don't know if that has hemp or the other thing</p>	<p>1 to Lab Corp. And I -- yeah. I let him know I 2 went and took another test. And I did inform him 3 that I had resigned that same day. 4 Q. When you told Captain Ransom of your negative 5 Lab Corp results, did he give you any guidance or 6 did he say anything? 7 A. No. When I talked to him the day that I took 8 the test -- because I didn't have the results back 9 at that time. I didn't get the results till the 10 following week. But when I talked to him that 11 particular day and told him that I went and took 12 another test -- because he called me, left a 13 message. 14 So once I finished everything with the testing 15 and I went and -- went to 8th and Race and 16 resigned, I got home and I returned his call. And 17 I said to him that, you know, that -- what I had 18 done that day, that I had resigned. He told me 19 that was a good move. And he asked me -- and this 20 is another reason why I didn't take it any further 21 with the Police Department. Because what my 22 Captain said to me that day was that it was a good 23 move that I had resigned because he knew I was -- 24 what Tuesday was going to come for me.</p>
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<p>1 that you said. 2 Q. You said cactus oil as in, like, the plant? 3 A. Yeah. It's -- I have a bottle of that, too. 4 But yeah, but that was prior to. But it wasn't, 5 like, doing what I needed it to do as far as, 6 like, growing my hair. So, I switched to the Wild 7 Growth. 8 Q. Now the Wild Growth oil, how often -- I know 9 you said it was a week and a half or two. 10 But how often were you applying it? 11 A. When I first got it, I was putting in -- I was 12 putting it in my hair maybe, like, every other 13 day. But that particular night, I saturated back 14 of my hair. 15 And can we go back to the question that you 16 asked me, did I let anybody know about my negative 17 results? 18 Q. Yes. 19 A. I did let me Captain know, Captain Ransom. I 20 let him know. 21 Q. And did he -- 22 A. Also -- 23 Q. Go ahead. 24 A. I, also, did inform him the day that I did go</p>	<p>1 He says to me, well, do you want me to have 2 someone bring your belongings to you to your home? 3 And I told him, no. I said, well, I'm going to 4 come to the District tonight because my squad was 5 working. So, I wanted to come and say goodbye to 6 everybody and get my things out of my locker. 7 And he told me that it wasn't necessary 8 because my locker had already been cleaned out. 9 And I said, you guys cleaned my locker out? I 10 said, I haven't even signed my paperwork yet for 11 my 30 days with intent. I'm still an employee. I 12 don't understand why someone was in my locker and 13 cleaned it out. 14 So, I went to the District that particular 15 night. And all my belongings, my locker was 16 cleaned out. They were in the bags and in the 17 crate, whatever. And my son and I went there. 18 And I was able to, you know, say my goodbyes and 19 everything. That was the end of my conversation 20 with my Captain that day. 21 So on my days off, because it had to have been 22 on my two days off, like I said, my first night 23 back I called out sick, and then I went back. So, 24 this would have been my second night. So during</p>

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<p>1 those three days, my locker was cleaned out before 2 I even signed any paperwork. 3 Q. Do you know who cleaned your locker? Did he 4 ever tell you? 5 A. I called and I asked because I'm, like, who 6 cleaned my locker out. 7 My Sergeant was Jason Reid at the time. He 8 tried to find out. And then I called. And I was 9 told by my Sergeant, excuse me, that Captain 10 Ransom and Lieutenant -- I don't know why these 11 names are slipping me -- Lieutenant "Biz". I 12 don't know his -- because that's what we called 13 him. We called him Lieutenant Biz. I don't know 14 his full last name, but we called him Lieutenant 15 Biz. But he was the administrative lieutenant at 16 the time that was supposedly had been him and the 17 Captain who cleaned out my locker. 18 Q. Are you saying Biz, like, B-i-z-z? 19 A. B-i-z. 20 Q. Okay. Thank you. 21 A. Uh-huh. And that was told to me by Sergeant 22 Reid. He was able to, you know, find out, you 23 know, who supposedly cleaned out my locker. 24 Q. Do you think that the positive hair test</p>	<p>1 I can't remember the exact date. But it was 2 within that time frame. 3 Q. So between November -- is that 2018? 4 A. 2018. 5 Q. To January 2019 you had a PBI Hearing for 6 the -- is that the sexual comment? 7 A. Yes. 8 Q. Okay. Do you remember who was on the PBI 9 panel? 10 A. No. No. 11 Q. Do you remember who was present? 12 A. The lieutenant that represented me is 13 Lieutenant McVech. 14 Q. Okay. 15 A. He represented me. And then the three 16 officers, they had a lawyer. I don't know -- I 17 think she was from the FOP. She represented them 18 from the Union. 19 Q. Uh-huh. 20 A. I can't remember her name. 21 Q. Okay. Who were the -- like, who were those 22 officers? 23 A. Officer Straus, that's S-t-r-a-u-s; Officer 24 Mauer, M-a-u-e-r; and Officer -- Straus, Mauer and</p>
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<p>1 results were in retaliation for any of the 2 discriminatory, like, acts or complaints you 3 talked about earlier? 4 A. Yes. I strongly believe that. 5 Q. Why? 6 A. Because in my whole entire career, I have 7 never had a problem. I have never failed a drug 8 test. And it just seemed like it was just a 9 series of things that happened right after I made 10 the complaint. 11 Because we -- after the complaint, we went to 12 our PBI Hearing, which is a little court hearing 13 that we have within the Department that consisted 14 of the three officers that I made the complaint 15 against. And I had to testify, and they were 16 found guilty. They lost a day that I was told. 17 And it just seemed -- things started happening 18 to me right after that. Maybe, like, a month or 19 two after that happened, then everything just fell 20 right into place. 21 Q. When was the PBI Hearing; do you remember? 22 A. Oh, I want to say -- I want to say -- I want 23 to say November. I believe it was either 24 November -- it was between November and January.</p>	<p>1 can't remember his name. I don't know why his 2 name is slipping my mind. He's a very new officer 3 in our District. 4 Q. If he comes back -- if his name comes back to 5 you, can you just let me -- 6 A. Okay. 7 Q. If it's after the deposition, just let your 8 attorney know. That's fine. 9 A. Okay. All right. I'm sure it will come back 10 to me. 11 Q. Do you know if any of these three officers 12 have any connections with Internal Affairs or the 13 Drug Testing Unit? 14 A. I have no -- I don't know. 15 Q. Can you just tell me now, in general, how this 16 issue with the positive drug test has affected you 17 in your daily life? 18 A. Well, because it was -- because I know that it 19 wasn't -- it was false, I -- because I know that 20 my character was affected, I had -- I am -- just 21 tell you a little bit about you know how it 22 affected me, because I -- I made history in the 23 city a few years ago. 24 I am the founder of the Philadelphia Police</p>

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<p>1 Department Mass Choir. I started a choir in the 2 Department to -- to help the officers and boost 3 the morale. We had a debut concert. It was on 4 the news. The Commissioner was there. 5 Commissioner Ross was there. 6 It was a big deal. Like, I had an outlet for 7 other officers, you know, to do. I'm very -- very 8 spiritual. I'm a minister. And so, it really 9 emotionally -- because it was so unexpected, it 10 disrupted my life for several months. 11 I was very emotional. I was back on my high 12 blood pressure medication because I had no idea 13 what I was going to do from that moment on. I 14 didn't know how I was going to clear my name. 15 Because I know never once in my life have I ever 16 smoked marijuana. So, I don't -- I couldn't 17 understand how that test came back positive. It 18 wasn't in my urine, but it was in my hair. 19 You know, I was -- I felt as though I was 20 being -- I was fairly untreated[sic]. Because I 21 know -- everyone knows just from watching the 22 news, regardless not even being within the Police 23 Department, I know that there are officers that 24 have done and supervisors from the Third Floor</p>	<p>1 do with retaliation. Like I said, my character, I 2 have heard so many rumors and stories about why I 3 left the Department. And you know, the first 4 thing they want to say is, oh, isn't she a 5 Christian and she's saved. Doesn't she have that 6 choir? It's just a bad thing for me. 7 And it's -- I just didn't know as far as 8 financially how I was going to make it. Because 9 like I said, it just came ut of nowhere are. 10 There was no warning. This was it for you, and 11 that was it. I didn't have time to plan. 12 I had another -- I wasn't planning on retiring 13 until I was 60. I wanted to go into the DROP 14 Program. I was in my seventeenth year when I 15 left. And so, I was going to do my -- get to my 16 twenty and do another four years. And I planned 17 to have been done by the time I was 60 years old. 18 And I was -- that was all taken away from me. No 19 opportunity to do any of that because of, I am 20 going to say, a false reading of my hair. Like, 21 not in my body, but it was my hair. 22 Like so, yes. I was -- I feel as though it 23 was -- I just, you know, I cried a lot, talked to 24 my pastor because of my emotional state because I</p>
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<p>1 down to Patrol, that there are plenty of officers 2 that have done way worse and have gotten second 3 chance, third chance, been assigned to a unit or 4 taken out of the District while there was further 5 investigation going on, and then you make your 6 final decision after the investigation. 7 I was treated unfairly because I never even 8 had that opportunity to have a further 9 investigation. It was, this is what it is. You 10 got to be here Tuesday, sign your paperwork, and 11 that was the end of it for me, you know. So, I 12 felt as though I was fairly untreated -- unfairly 13 treated. 14 Like I said, I didn't get an opportunity to 15 have a second chance, you know, to have another 16 test. I mean, I could have taken the test but 17 like she -- Sergeant Williams told me it wouldn't 18 even matter, like, it wasn't even going to dismiss 19 the first test. That's to me, like, taking a 20 makeup test and you not going to -- I am still 21 going to receive this F; instead of if I get an A 22 on the second test, you going to take the F and 23 not give me an A? What's the purpose. 24 So, yes. I feel as though this had a lot to</p>	<p>1 didn't know what I was going to do. You know, I 2 was losing my job and everything I worked for and 3 risked my life for. It was taken away from me. 4 Q. You mentioned that you had to go back on your 5 high blood pressure meds. 6 Did you have to take any other medicines? 7 A. I'm a diabetic. So I was -- I was taking 8 Glipizide Metformin, which I still take to this 9 day, which was one of the medications that I took 10 to 19th and Fairmount the day to do the 11 reconfirmation. I'm on the Glipizide Metformin. 12 That's what that's called. Lisinopril was for my 13 high blood pressure and, like I said, the oil. 14 So, I took all of that with me that day. 15 Q. And what about after you resigned? 16 Did you have any medications for anxiety? 17 Depression? Anything like that? 18 A. No. I just stayed on my Lisinopril for my 19 pressure. 20 Q. Other than speaking with your pastor, did you 21 speak with any other mental health professional? 22 A. No. 23 Q. And what's your pastor's name? 24 A. Darren, D-a-r-r-e-n, Croft.</p>

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<p>1 Q. And where do you worship? 2 A. I worship at the New Gethsemane Baptist 3 Church. And that's 2301 Wharton Street. I am 4 also a minister there. 5 Q. You mentioned not knowing what you would do 6 financially. 7 Are you currently employed? 8 A. Yes. I picked up a part-time job. I work two 9 days a week. 10 Q. Where? 11 A. For Allied Universal at Manor College. 12 Q. Do you have any other means of income? 13 A. Well, my pension. I get a monthly pension. 14 Q. I know you mentioned going to Employee 15 Assistance back in 2018 when you first made your 16 complaint against the officers. 17 Were you able to go to Employee Assistance 18 between those three/four days after receiving your 19 positive results? 20 A. No. 21 Q. Are you still seeking counseling through your 22 pastor? 23 A. No. 24 Q. Okay. Is there anything else that you want to</p>	<p>1 quick because I want to make sure I covered 2 everything. 3 BY MS. ALLEN: 4 Q. In your interrogatories, you also mentioned 5 that you were reprimanded for abusing sick time? 6 A. Yes. 7 Q. When was the -- do you recall if you have any 8 documentation for that? 9 A. I would have to look for it because I had to 10 fight that, as well, to prove that I wasn't 11 abusing sick time and that I never abused my sick 12 time. So, I had to prove that that wasn't 13 accurate, as well. That was the first incident. 14 So, FOP did wind up helping me to clear that 15 up. 16 Q. Do you remember who from the FOP helped you? 17 A. No. I can't remember his name. 18 Q. And when you said you had to fight that, was 19 that an arbitration or how did that happen? Or 20 what was that process? 21 A. Well, what happened was, I came to work one 22 evening. And I -- another officer approached, I 23 walked in the door and said to me. I heard you 24 are leaving. I said, well, where I am going? He</p>
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<p>1 share that we have not covered? 2 A. No. I pretty much said it all. 3 Q. I am just going to review really quickly and 4 make sure that I have -- okay. Just wanted to 5 make sure I showed you all the docs that I planned 6 to mark as an exhibit. 7 A. Okay. 8 MS. ALLEN: Angela, were you able 9 to access all five docs? 10 THE STENOGRAPHER: Yes. 11 MR. BERLIN: Tiffany, while you are 12 doing that, is it okay if me and my client 13 go off the record and come back in, like, 14 three minutes. 15 MS. ALLEN: Okay. 16 MR. BERLIN: One sec. 17 - - - 18 (At this time, Counsel and his 19 client entered a Zoom Breakout Room for a 20 private discussion.) 21 - - - 22 MR. BERLIN: Well, Tiffany, I think 23 you are still up if you have anything more. 24 MS. ALLEN: Uh, yeah. Just really</p>	<p>1 said, well, I heard you are going back to One 2 Squad. I said, no, I'm not. 3 So, I went to one of the supervisors Sergeants 4 that night and asked them what -- why was I being 5 taken out of my -- you know, my squad. And he 6 said that he didn't hear about it either. So, he 7 had to do some research and found out that I was 8 being moved to -- back to shift work. And I said, 9 well -- I asked him why because that was 10 unexpected, as well. He said, I was on a memo 11 with two other male officers that were being 12 disciplined. And the three of us were being 13 moved. 14 So after my shift, I got off at seven that 15 morning, the next morning. I waited for Captain 16 Ransom to come in because I didn't understand why 17 I was being moved. And I went to his office. And 18 I talked to him about it. I asked him -- I heard 19 I was leaving. And I wanted to know why. He 20 said, because you are abusing your sick time. I 21 said, I'm not abusing my sick time. If I called 22 out, I would always have a note. 23 And from -- so he said, well, I said last -- I 24 said "last out" works for me. And I said, shift</p>

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<p>1 work is not going to -- it doesn't work for me. 2 That's why I put in to move to the "last out" 3 tour. So, he said that it wasn't -- you know, I 4 could put in a memo -- put in a Hardship Memo. 5 That's what it's called, a Hardship Memo stating 6 why it wasn't going to be good for me to be moved 7 to shift work. And he said, it's not going to 8 matter, but I was going to still have to move. 9 So what I did was, I reached out to the FOP. 10 Well, the first thing I did, I left and went to 11 our Operations Room. And had the Corporal at the 12 time -- forget, which Corporal it was. It was 13 during the day, so it was a day shift Corporal. I 14 had her print out my sick time use for the whole 15 year. 16 So, she printed it out. And of course, I 17 didn't have -- I didn't abuse my sick time. I had 18 a sick note. I noticed that my Sergeant had, if I 19 called -- I had called out I was sick for three 20 days. I got a note for those three days. He 21 would put me in a computer for having a sick note 22 for two out of the three. Like, he would put it 23 in for the first night, skip it for the second 24 night and put it in for the third night. Like,</p>	<p>1 Q. So you were -- you weren't switched to One 2 Squad? You didn't have to go there? 3 A. No. 4 Q. Did you ever submit the Hardship Memo that 5 Captain Ransom suggested? 6 A. Yes, I did. 7 Q. If you come across any copies or paperwork 8 regarding the sick abuse issue and the Hardship 9 Memos, if you can just give that to your attorney 10 so he can give that to me, that will be helpful. 11 A. Okay. 12 Q. You froze. Were you able to hear me? 13 A. Okay. I hear you. 14 Q. Okay. I can hear. 15 A. Yes, I heard you. I said okay. We good? 16 Q. Yes, we are good. That's all I have left. 17 I don't know -- 18 A. I said, "are we good" meaning, like, could you 19 hear me. 20 Q. Oh, yes. 21 A. Because you said I froze. Okay. Okay. Not 22 like, can you stop asking me questions. 23 Q. No. I was going to wrap up anyway. But I 24 could hear you although your video froze.</p>
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<p>1 how do you do that? 2 So, he never covered me or the three days. 3 You are allowed a certain amount of days to call 4 out sick for the year before you start abusing 5 your sick time. I was nowhere near that. 6 So, I roached out to the FOP. And they 7 were -- they were -- they helped me out and they 8 were able to, you know, have them, like, back off 9 and leave me right where I was. So, that's how I 10 was able to stay in my group. 11 Q. Okay. Which Sergeant was that that was making 12 the clerical inputs? 13 A. Sergeant Shaun Butts. 14 Q. Do you remember ever speaking with Sergeant 15 Butts about the clerical errors? 16 A. I did ask him about it. But he was a type of 17 supervisor that would -- if he didn't feel like 18 answering you, he wouldn't; if he did, he would. 19 He was just never -- I don't want to say anything 20 bad about him. That's just how it was. If he 21 wanted to answer -- I never really got 22 clarification. 23 That was the bottom line for that. But I was 24 able to fight it and stay in my group.</p>	<p>1 A. Okay. 2 Q. I will ask David if he has any follow-up 3 questions, or if we are good? 4 MR. BERLIN: Yeah. I just have a 5 couple of things. Just some 6 clarifications. 7 - - - 8 EXAMINATION 9 - - - 10 BY MR. BERLIN: 11 Q. Dawn, earlier you were asked if you've ever 12 been to another deposition. I don't know if you 13 were confused, but I actually deposed you for the 14 Austin cause with the City. 15 Do you recall that? 16 A. Yes. 17 Q. Okay. I just wanted to clarify that. 18 Also, you were asked -- I think you were asked 19 if you were -- if you had ever submitted an EEOC 20 complaint for this case, the allegations for this 21 case. And we attached an EEOC Right to Sue letter 22 with this complaint. 23 Do you recall that you did actually go to the 24 EEOC for this case?</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay. And then, I just wanted to clarify</p> <p>3 something else.</p> <p>4 The issue about the retest, you didn't -- I</p> <p>5 know you didn't do that, right?</p> <p>6 A. Right.</p> <p>7 Q. You didn't do the retest with the City. Was</p> <p>8 that because if you had done the retest -- first</p> <p>9 of all, someone at the City, I think it was</p> <p>10 Sergeant Williams said to you, it was irrelevant.</p> <p>11 Was that right?</p> <p>12 A. That's right.</p> <p>13 Q. But also if you had done the retest, the time</p> <p>14 it would have taken for the retest to come back</p> <p>15 with the results would have been longer than the</p> <p>16 decision time you had to decide if you were going</p> <p>17 to resign or be terminated; is that right?</p> <p>18 A. That's correct.</p> <p>19 Q. Just one second.</p> <p>20 One other thing. You mentioned that Dr. Hayes</p> <p>21 told you -- I am paraphrasing.</p> <p>22 He said something like your results were BS or</p> <p>23 something like that?</p> <p>24 A. Yes.</p>	<p>1 your hair with, what was that that you saturated</p> <p>2 your hair with?</p> <p>3 A. It was the Wild Growth in the yellow bottle.</p> <p>4 Q. Okay. Now the cactus oil, how often did you</p> <p>5 put that in your hair?</p> <p>6 A. That one, I used that one for a few years,</p> <p>7 like, every other day.</p> <p>8 Q. Sorry?</p> <p>9 A. It's a heavy oil. So, I would only use it</p> <p>10 maybe every other day or once or twice a week.</p> <p>11 Q. Were you using it once or twice a week at the</p> <p>12 time that you had the test for this case?</p> <p>13 A. Yes. Now that particular oil I would, like,</p> <p>14 put in my actual hair. Like I said, I wasn't</p> <p>15 doing that frequent once I switched to the yellow,</p> <p>16 to the Wild Growth.</p> <p>17 The Wild Growth I used that night of the</p> <p>18 testing was saturated in the back of my hair.</p> <p>19 Q. Okay. But the cactus oil, had the hair on</p> <p>20 your head at the time of the test ever been</p> <p>21 touched by that cactus oil?</p> <p>22 A. Yes.</p> <p>23 Q. And how soon before the test had you used it</p> <p>24 on the hair that was on your head?</p>
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<p>1 Q. Did he have, like, the results back at that</p> <p>2 time? When did he tell you that?</p> <p>3 A. He had the same results that they brought to</p> <p>4 my home the night before.</p> <p>5 Q. I see. Okay. And why were you meeting with</p> <p>6 him after the results had come out?</p> <p>7 A. Because I was -- that was for me to do the</p> <p>8 reconfirmation test. That's why I was there. And</p> <p>9 he brought me in his office to talk to him prior</p> <p>10 to the test to let me know exactly what was going</p> <p>11 on. And he went over my test results again with</p> <p>12 me that day.</p> <p>13 Q. One second. You were asked about a couple</p> <p>14 different products you put in your hair. One was</p> <p>15 cactus oil and the other one was another kind of</p> <p>16 oil, right?</p> <p>17 A. Correct.</p> <p>18 Q. Okay?</p> <p>19 MR. BERLIN: And you know, just for</p> <p>20 the record, Tiffany, we will get you</p> <p>21 pictures of everything she used. You will</p> <p>22 have that information.</p> <p>23 BY MR. BERLIN:</p> <p>24 Q. But one of those things you said you saturated</p>	<p>1 A. Maybe just a few days. Because it's not the</p> <p>2 type of oil you use every day because it's so</p> <p>3 thick.</p> <p>4 Q. Okay. One second.</p> <p>5 Did you tell Dr. Hayes that you had used any</p> <p>6 products in your hair?</p> <p>7 A. Yes. I took the products with me.</p> <p>8 Q. Both of them?</p> <p>9 A. Just the one because that's the one I used the</p> <p>10 night of the test.</p> <p>11 Q. Did you tell him about the other product, the</p> <p>12 cactus oil?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. I don't recall that I did. I was so upset</p> <p>16 that day. I don't recall telling him about that</p> <p>17 particular oil.</p> <p>18 Q. Okay. That's all I have. I don't know if</p> <p>19 Tiffany has anything.</p> <p>20 - - -</p> <p>21 EXAMINATION</p> <p>22 - - -</p> <p>23 BY MS. ALLEN:</p> <p>24 Q. Do you remember the brand of the cactus oil</p>

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1 you were using?
2 A. Yes, ma'am. Let me grab it.
3 (Witness goes to get the oil.)
4 Jamaican Mango and Lime Cactus Oil.
5 Q. Okay. Do you know the -- oh, it says Jamaican
6 at the top for the maker?
7 A. Yes.
8 Q. And is that the one that you always use?
9 A. Yes. This is one I was using on a regular
10 basis.
11 Q. Okay. And just one more clarity question.
12 We saw the memo that you signed about the
13 reconfirmation test that told you or directed you,
14 you had ten days.
15 A. Yes.
16 Q. Did you ever ask for clarity about the ten-day
17 window in relation to your appointment with
18 Internal Affairs?
19 A. Well, I definitely understood that I had that
20 amount of time to do a reconfirmation test, but I
21 wanted to do it immediately. That's why I went
22 the very next -- you know, I wanted to have it
23 done immediately.
24 But once I was told that it didn't matter if I

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1 took it or not, you know, the results coming back
2 negative or positive, it was still not going to
3 dismiss. The original thing was that I was going
4 to have to sign 30 days with intent. So, I didn't
5 have too many good options.
6 Q. When you -- do you know what happens when you
7 say a 30 days with intent?
8 A. Yes. After those 30 days, I'm going to be
9 fired. That's going to be it.
10 That's what I understood.
11 Q. Okay. So, does that mean that within those 30
12 days, you would still be technically employed by
13 the Department?
14 A. Yes.
15 Q. All right.
16 MS. ALLEN: That's all I have.
17 MR. BERLIN: All right. That's all
18 I have, so that's it.
19 MS. ALLEN: Yes, thank you.
20 THE WITNESS: Okay. Thank you.
21 MS. ALLEN: Have a good day.
22 (At this time, the deposition
23 concluded at 12:02 p.m.)
24

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